
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JACOB M. SCOTT, an individual

Plaintiff,

vs.

WINGATE WILDERNESS THERAPY,
LLC, a Utah Limited Liability Company,

Defendant.

**MEMORANDUM DECISION AND
ORDER MOOTING [28] PLAINTIFF'S
MOTION FOR LIMITED DISCOVERY**

Case No. 4:18-cv-00002-DN

District Judge David Nuffer

Defendant Wingate Wilderness Therapy, LLC's ("Wingate") moved to dismiss (the "Motion to Dismiss")¹ Plaintiff's complaint in its entirety. A hearing was scheduled on June 14, 2018 to hear the Motion to Dismiss.² The hearing was then reset for July 12, 2018. After reviewing the completed briefing on the Motion to Dismiss prior to the hearing, the determination was made to grant Wingate's Motion to Dismiss and to dismiss Plaintiff's Complaint³ for lack of jurisdiction.⁴ Wingate was ordered to prepare a proposed order.⁵

Plaintiff then moved for limited discovery,⁶ and argued that Wingate submitted new affidavits and other documents in its reply memorandum and proposed order that required a more

¹ Wingate Wilderness Therapy's Motion to Dismiss and Memorandum in Support Thereof, [docket no. 8](#), filed April 24, 2018.

² Notice of Hearing on the Motion, docket no. 11, filed May 15, 2018.

³ Complaint, [docket no. 2](#), filed March 2, 2018.

⁴ Notice from the Court re Defendant's Motion to Dismiss, docket no. 26, filed July 6, 2018.

⁵ *Id.*

⁶ Motion for Limited Discovery, [docket no. 28](#), filed July 27, 2018.

satisfactory showing on the issue of jurisdiction.⁷ Plaintiff requested limited jurisdictional discovery to in order to gather information to contest these controverted facts.⁸

However, as the final order on the Motion to Dismiss will make clear, the decision to grant the Motion to Dismiss was made based on the allegations in Plaintiff's Complaint, applicable Utah statutory and administrative rule language, and the additional, undisputed evidence offered in Wingate's original Motion to Dismiss and Plaintiff's Opposition. The facts that Plaintiff controverts and which were contained in Defendant's proposed memorandum decision and order⁹ were considered immaterial are not present in the final order.

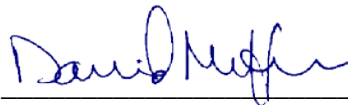
The decision to grant Defendant's Motion to Dismiss does not rely on these purportedly controverted facts. Because of this, Plaintiff's request for additional discovery relating to these facts is Moot.

ORDER

IT IS HEREBY ORDERED that Plaintiff's Motion for Limited Discovery¹⁰ is MOOT.

Signed March 14, 2019

BY THE COURT



David Nuffer
United States District Judge

⁷ *Id.* at 2.

⁸ *Id.* at 11.

⁹ See Notice of Filing of (Proposed) Memorandum Decision and Order Granting Defendant's Motion to Dismiss with Prejudice at 5–7, [docket no. 29](#), filed July 27, 2018.

¹⁰ Motion for Limited Discovery, [docket no. 28](#), filed July 27, 2018.